

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

MAC EAST, LLC,

Plaintiff,

v.

SHONEY'S INC.,

Defendant.

**CIVIL ACTION NO.
CV - 2:05-CV-1038-MEF**

NOTICE OF APPEAL

Notice is hereby given that Shoney's Inc. in the above named case hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the summary judgment order issued on January 18, 2007 and the final judgment and order awarding damages issued on March 2, 2007.

/s/ James N. Nolan
James N. Nolan, State ID. No. NOL011
Attorney for Shoney's Inc.

OF COUNSEL
Walston, Wells, Anderson & Birchall, LLP
1819 5th Avenue North, Suite 1100
Birmingham, Alabama 35203
Telephone: (205) 244-5200
Telecopier: (205) 244-5400

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2007 I electronically filed the foregoing Notice of Appeal with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Dennis R. Bailey
Rushton Stakely Johnston & Garrett PC
P.O. Box 270
Montgomery, AL 36101-0270
drb@rsjg.com

/s/ James N. Nolan
Of Counsel